

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN THOMAS ENTLER,

Plaintiff,

vs.

SGT. S. FLEENOR,

Defendant.

NO: 12-CV-5114-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT  
WITHOUT PREJUDICE

Magistrate Judge Imbrogno filed a Report and Recommendation, ECF No. 9, recommending that Mr. Entler's Motion to Voluntarily Dismiss Complaint be granted. Defendant has not been served. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion, ECF No. 8, is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed.

ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

1 Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant  
2 to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,  
5 and close the file.

6 **DATED** March 6, 2013.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge